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[Proposed] Local Counsel

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT LOWINGER, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

MGM MIRAGE, J. TERRENCE LANNI,
JAMES J. MURREN, DANIEL J.
D'ARRIGO, and ROBERT H. BALDWIN,

Defendants.

Case No.: 2:09-CV-1558-RCJ-LRL

CLASS ACTION

KHACHATUR HOVHANNISYAN,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

MGM MIRAGE, J. TERRENCE LANNI,
JAMES J. MURREN, DANIEL J.
D'ARRIGO, and ROBERT H. BALDWIN,

Defendants.

Case No.: 2:09-CV-02011-LRH-RJJ

CLASS ACTION

**MOTION OF THE DEKALB COUNTY PENSION FUND FOR
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

Movant the DeKalb County Pension Fund (“DeKalb”), by its undersigned counsel, hereby moves this Court for an Order:

1. Consolidating related actions pursuant to Fed. R. Civ. P. 42(a);
2. Appointing DeKalb as Lead Plaintiff in this Action pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4; and
3. Approving DeKalb’s selection of Chitwood Harley Harnes LLP as Lead Counsel and M Nelson Segel, Chartered as Local Counsel. Attached hereto at Exhibit A is a proposed order.

This Motion is made on the grounds that DeKalb has suffered the largest financial losses as a result of Defendants’ false and misleading statements to the market between August 2, 2007 and March 5, 2009 and is the most adequate lead plaintiff. In addition, DeKalb meets all the requirements of Fed. R. Civ. P. 23 because its claims are typical of the Class members’ claims and because DeKalb will fairly and adequately represent the Class. Finally, DeKalb has selected and retained a nationally-recognized law firm with extensive experience in prosecuting securities fraud class actions to serve as Lead Counsel for the Class.

The Lead Plaintiff Motion is based upon the accompanying Memorandum of Points and Authorities, the Declaration of James M. Wilson, Jr., the pleadings filed herein, and other written or oral arguments as may be presented to the Court.

Dated: October 19, 2009.

Respectfully submitted,

M NELSON SEGEL, CHARTERED

\s\ M Nelson Segel
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***Proposed Lead Counsel for DeKalb County
Pension Fund***

EXHIBIT A

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CLASS ACTION

KHACHATUR HOVHANNISYAN,
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v.

MGM MIRAGE, J. TERRENCE LANNI,
JAMES J. MURREN, DANIEL J.
D'ARRIGO, and ROBERT H. BALDWIN,

Defendants.

Case No.: 2:09-CV-02011-LRH-RJJ

CLASS ACTION

**[PROPOSED] ORDER CONSOLIDATING THE RELATED ACTIONS,
APPOINTING THE DEKALB COUNTY PENSION FUND AS LEAD PLAINTIFF
AND APPROVING LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

WHEREAS, the above-captioned securities class actions (the “Related Actions”) have been filed against Defendant MGM Mirage (“MGM” or the “Company”), et al. (collectively “Defendants”), alleging violations of the federal securities laws;

WHEREAS, Rule 42(a) of the Federal Rules of Civil Procedure provides that a court may order all actions consolidated if they involve “common issues of law or fact.” Fed. R. Civ. P. 42(a). The Related Actions involve common legal and factual issues; thus, efficiency and consistency will result from their consolidation. *See* Fed. R. Civ. P. 42(a);

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on August 19, 2009, the Plaintiff in the first-filed action caused notice to be issued to potential class members of the action and informed them of their right to move to serve as lead plaintiff within 60 days of the date of the publication of said notice;

WHEREAS, on October 19, 2009, Movant the DeKalb County Pension Fund (“DeKalb”) moved the Court to (1) consolidate for all purposes the Related Actions against Defendants; (2) appoint DeKalb as Lead Plaintiff; and (3) approve Chitwood Harley Harnes LLP as Lead Counsel and M Nelson Segel, Chartered as Local Counsel.

WHEREAS, the PSLRA provides, *inter alia*, that the most adequate movant to serve as a lead plaintiff is the person or group of persons that has either filed a complaint or has made a motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfies the requirement of Fed. R. Civ. P. 23;

WHEREAS, 15 U.S.C. § 78u-4(a)(3)(B) provides, *inter alia*, that as soon as practicable after the decision on consolidation is rendered, the Court shall appoint the most adequate plaintiff as Lead Plaintiff for the consolidated actions;

WHEREAS, the Court finding that Movant DeKalb has the largest bona fide financial interest in this action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and

IT IS HEREBY ORDERED AS FOLLOWS:

CONSOLIDATION OF SECURITIES CLASS ACTIONS

1. The Related Cases are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings, and trial proceedings pursuant to Fed. R. Civ. P. 42(a).

MASTER DOCKET AND CAPTION

2. The docket in Case No. 2:09-CV-1558-RCJ-LRL shall constitute the Master Docket for this action.
3. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re MGM Mirage Securities Litigation	Master File No.: 2:09-CV-1558-RCJ-LRL
This Document Relates To:	CLASS ACTION

4. The file Civil Action 2:09-CV-1558-RCJ-LRL shall constitute a master file for every action in the consolidated action. When the document being filed pertains

to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:”. When a pleading applies to some, but not all, of the actions, the document shall list, immediately after the phrase “This Document Relates To:”, the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.

5. All Related Actions subsequently filed in, or transferred to, this District shall be consolidated into this action. This Order shall apply to every such action absent order of the Court. A party objecting to such consolidation, or to any other provisions of this Order, must file an application for relief from this Order within ten days of the date on which a copy of this Order is mailed to the party’s counsel.
6. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, with good cause shown.

APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

7. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15, U.S.C. § 78u-4(a)(3)(B), DeKalb is appointed Lead Plaintiff for the class as DeKalb has the largest bona fide financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P. 23.
8. DeKalb’s choice of counsel is approved and accordingly, Chitwood Harley Harnes LLP is appointed Lead Counsel and M Nelson Segel, Chartered is appointed Local Counsel.
9. Lead Counsel, after being appointed by the Court, shall manage the prosecution of this litigation. Lead Counsel is to avoid duplicative or unproductive activities and

is hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (2) to initiate and direct all pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate responsibilities to selected counsel as may be required; (3) to prepare and file all pleadings; (4) to supervise all other matters concerning the prosecution or resolution of the Related Actions, including the allocation of fees, if any, among plaintiffs' counsel; and (5) to engage in settlement negotiations on behalf of Lead Plaintiff.

SO ORDERED:

Dated: _____

HONORABLE ROBERT C. JONES
UNITED STATES DISTRICT JUDGE

Submitted by:

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\s\ M Nelson Segel
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Proposed Lead Counsel for DeKalb County Pension Fund

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the “**MOTION OF THE DEKALB COUNTY PENSION FUND FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF’S SELECTION OF LEAD COUNSEL**” with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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This 19th day of October 19, 2009.

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